



03196/18388

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Philip J. Robinson

Serial No: 10/731,926

Filed: December 9, 2003

For: CHILD-RESISTANT, MOLDED PLASTIC CLOSURE, PACKAGE
INCORPORATING SAME AND CONTAINER THEREOF

Exr. James N. Smalley

Art Unit: 3727

Confirmation No.: 6652

Commissioner of Patents
and Trademarks
Washington, D.C. 20231

December 4, 2007

DECLARATION UNDER 37 CFR §1.131

I, Philip J. Robinson, declare and state as follows:

1. At the time of filing the present patent application, I was employed as an engineer with Owens-Illinois Closure Inc. which was a wholly owned subsidiary of Owens-Illinois, Inc.

2. I have been advised that in an Office Action dated November 1, 2007, one reference which was cited by the patent examiner was United States Patent Application Publication No.: US 2004/0222181 A1 which has a filing date of May 9, 2003.

3. I hereby declare and state that I conceived the invention as defined in the claims of the above-identified patent application prior to May 9, 2003, and that I

along with others employed by Owens-Illinois Closure Inc. was diligent throughout the period from the date of conception until reduction to practice.

4. Enclosed herewith is Exhibit A is a Confidential Disclosure Record on a standard Owens-Illinois, Inc. form prepared by me setting forth a written description of the present invention along with drawings which had earlier been prepared. The Confidential Disclosure Record of Exhibit A was assigned Owens-Illinois Docket No. 18388. All of the dates on Exhibit A have been blanked out; however, I declare and state that:

A. The date conceived predates May 9, 2003.

B. The date of first drawing predates May 9, 2003.

C. The date of first written description was after May 9, 2003.

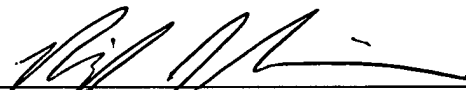
D. Testing on an experimental basis occurred after May 9, 2003.

E. The date on which a model having the feature disclosed in Exhibit A was disclosed to Bayer Corp. predated May 9, 2003.

5. The features of the closure component of the package disclosed and claimed in the present patent application are shown in drawings included with Exhibit A including Owens-Illinois drawing no. SD-9-02156 which was drawn by me and bears a date which predates May 9, 2003.

Further Declarant sayeth naught.

The undersigned hereby declares that all statements made herein of his/her own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.


Philip J. Robinson

Docket # 18388

Sheet 1 of 3

Exhibit A

CE 1353

OWENS-ILLINOIS

One SeaGate

Toledo, Ohio 43666

CONFIDENTIAL DISCLOSURE RECORD

DIV. NO. 05-8021

DOCKET NO.

SOC. SEC. NO. -9148

SOC. SEC. NO.

1. SUBMITTER (Full name) Philip James Robinson
ADDRESS (In full) 6642 Kingsbridge Sylvania, OH. 43560

SUBMITTER (Full name)
ADDRESS (In full)

2. SUBJECT MATTER OF IDEA (See sheets 2 and 3 for full description)
Squeeze and Turn Closure Lug configuration

Owens-Illinois, Inc.

3. DATE CONCEIVED (When idea was first thought of)

4. DATE IDEA WAS FIRST DISCLOSED AND TO WHOM
1/23/02 to Paul Zurawick

5. DATE OF FIRST DRAWING

WHERE IS IT? Pro/Engineer CADD System

6. DATE OF FIRST WRITTEN DESCRIPTION OF IDEA

WHERE IS IT? Document in Philip Robinson's personal computer

7. HAS IDEA BEEN TESTED ON AN EXPERIMENTAL BASIS?

yes

STATE WHEN, WHERE AND RESULTS

Unit mold in [redacted] and child protocol with positive results relative to children over-powering the lugs and mold flow characteristics

8. HAS IDEA BEEN DISCLOSED IN ANY MANNER WHATSOEVER TO PERSONS OUTSIDE THE COMPANY?

yes

IF SO PLEASE RECITE CIRCUMSTANCES

Exterior shape was disclosed to Bayer Corp. by Rich McKenna on sales visit and quoted to them on December 11, 2002 but did not see actual feature discussed in this CDR until mid-2003 in the form of a model

9. HAS IDEA BEEN UTILIZED?

yes

STATE WHEN WHERE AND RESULTS

Unit mold has been produced

REFER TO U.S. PATENT # 5,915,576 FOR FORERUNNING CLOSURE INFO

10. SUBMITTER(S) SIGNATURE(S)

DATE

DATE

SIGNED AT (City)

(State)

(City)

(State)

WITNESSED AND UNDERSTOOD BY

ON

ON

NOTE: Unless all questions are answered fully and Confidential Disclosure Record signed, witnessed and dated, same must be returned to you for completion.

DESCRIPTION OF IDEA

18388

PURPOSE OF IDEA

To enhance the ease of manufacture, child-resistance and senior friendliness of a Squeeze and turn closure.

ADVANTAGES OVER PRIOR ART- State generally how idea improves over prior art devices, apparatus, methods, articles or composition.

The closure improves over prior designs by;

- minimized cross-section of CR lug reduces flow in sides opposite pads providing a more even fill in closure which eliminates the meld line/fill imperfections in the outer closure wall opposite the lugs. This allows more even fill and less shrink deformation in outer wall and minimizes the potential for outer wall cracking.
- Finger-like prjection on closureCR lugs gives way inwardly on bottle CR lugs under torque and prevents defeat of CR mechanism by attempting to remove closure by brute force
- Finger-like projection on closureCR lugs reduces application force by "giving way" as they pass over bottle lugs

NOVELTY - State generally what features of idea you consider to be new. This can be overall combiation and / or one or more elements.

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- Finger-like projection on closureCR lugs reduces application force by "giving way" as they pass over bottle lugs

DRAWINGS - List below all graphic illustrations (i.e. drawings, photos, etc) reports, and / or notebooks relating to idea, giving identifying marking and location of each.

-Sample development dwg.# SD-9-3418 & SD-9-02150 and bottle, C-I-75909-01A-00 located as Pro/ENGINEER files in Owens Illinois database.

DETAILED DESCRIPTION OF IDEA

DESCRIBE BELOW THE IDEA AND ITS OPERATION. WHERE APPROPRIATE ATTACH AND REFER TO PERTINENT SKETCHES, DRAWINGS, GRAPHS, ETC., WITH THE AID OF REFERENCE CHARACTERS. WHERE THE IDEA INVOLVES CHEMICAL REACTIONS GIVE RANGES, RATIO OF REACTANTS. TEMPERATURES, PRESSURES, TIMES OR ANY OTHER PERTINENT PROCESS VARIABLES.

Closure rotates in the clockwise direction until closure ovalizes and closure lug (1) passes over bottle lug (2) until liner is compressed, securing closure. The closure lug tip relaxes when it passes over the bottle lug clockwise and grips and collapses inwardly when force is applied in a counter-clockwise direction while attempting to defeat the CR mechanism by brute force. Closure lug shape creates reduced cross-section that slows plastic flow through its area of the outer wall in mold which evens fill of outer wall when mated with flow leaders on opposite side of outer wall

10°

10°

AIL LEADER
TRADEMARK

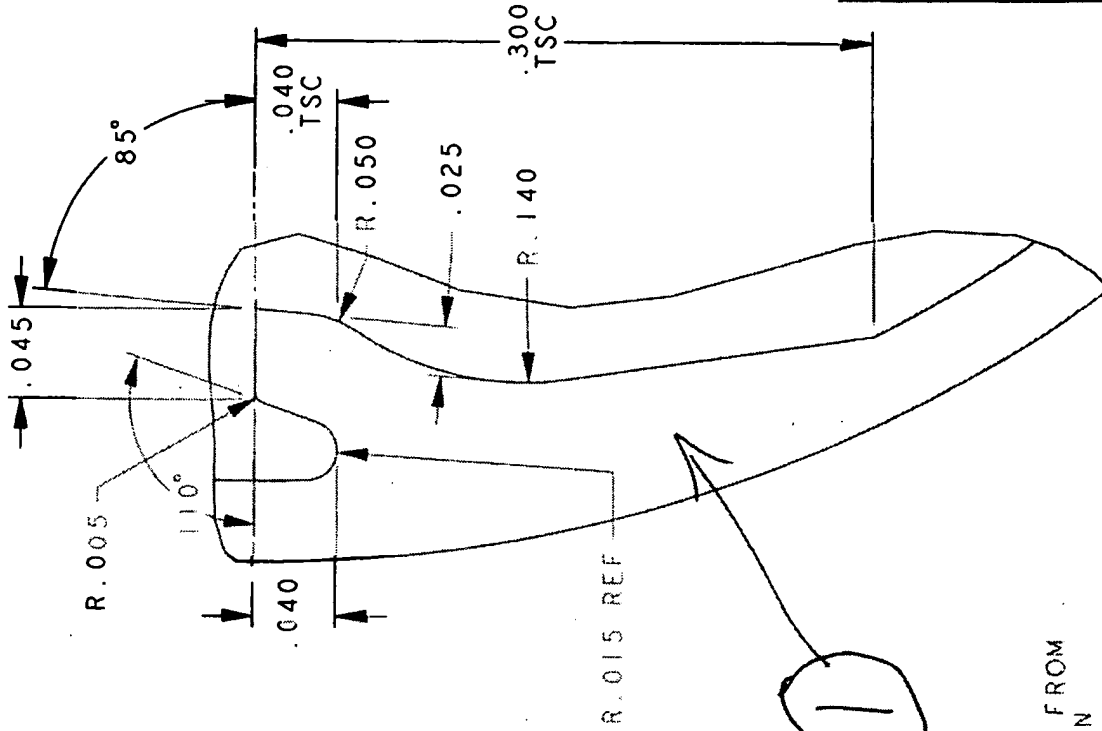
UNSCREWING LUGS (8)
EQUALLY SPACED BASED
ON A TOTAL OF (12) LUGS
AND LOCATED AS SHOWN.
LUGS TO EXTEND FROM
INSIDE TOP TO .015 FROM
BOTTOM OF INNER WALL.

R.030 TYP.

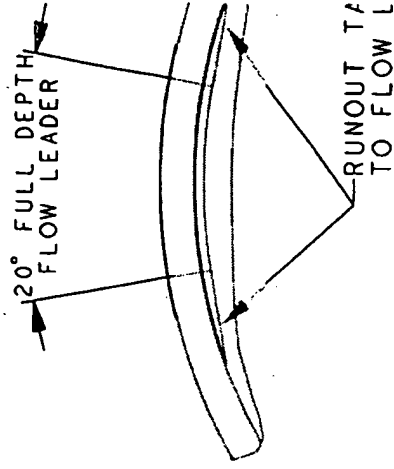
R.005 WHERE CR LUG
MATES WITH OUTER WALL

R.005 TYP.
ALL EDGES
OF CR LUGS.

(4) WEBS LOCATED 80° FROM
CR LUG FACES AS SHOWN



DETAIL LUG
SCALE 10:1

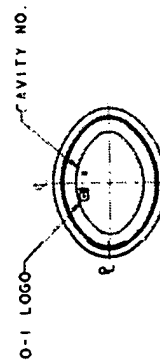
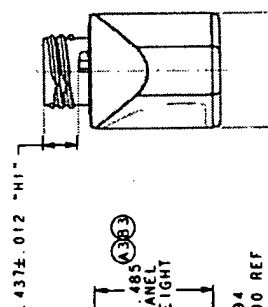
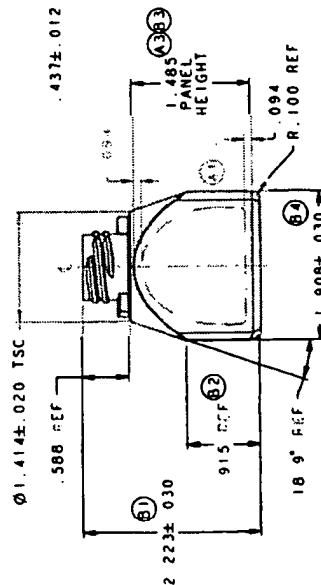
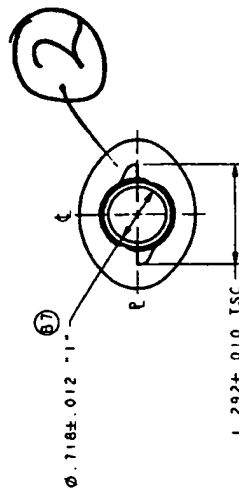


DETAIL LEADER
SCALE 4:1

(2) FLOW LEADERS 18
APART, TO BE CENTERED
FROM CR LUG FACE AS SHOWN

STEEL CONSTRUCTION DRAWING. NOT FOR
QUALIFICATION REFER TO CUSTOMER DRAW
INTERPRETED AS AVERAGE. MINOR DEVIAT

IFICATION NUMBER TO
SURFACE AS SHOWN.

[illegible]

NECK FINISH
SCALE 10:1

NOTES. 96

- 1) NECK FINISH - 24MM O.D. SQUEEZE AND TURN DUAL LEAD NESTYLE THREAD
- 2) CUSTOMER PROVIDED LABEL AREA : 1-19/34 HIGH 1-21/32 WIDE
- 3) ALL DIMENSIONS TO BE AFTER FLAME TREATMENT
- 4) MIN WALL .015" OVERALL

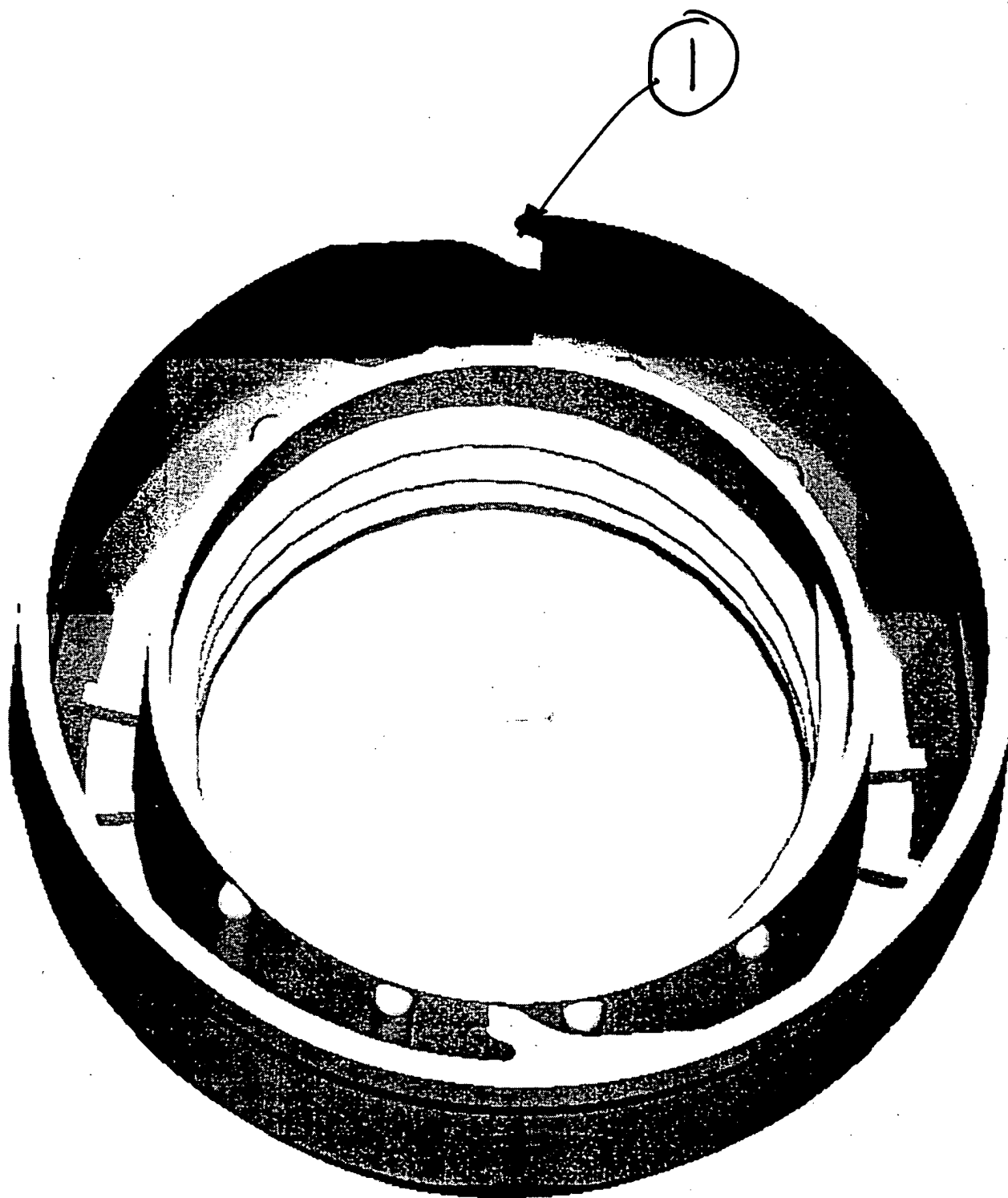
ALL DIMENSIONS ARE REPRESENTATIVE ONLY!
DESIGNER TO BE DETERMINED AFTER
FINAL SITE VISIT
COMPANIES ARE WELCOME TO VISIT

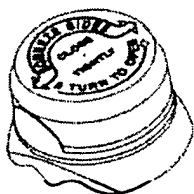
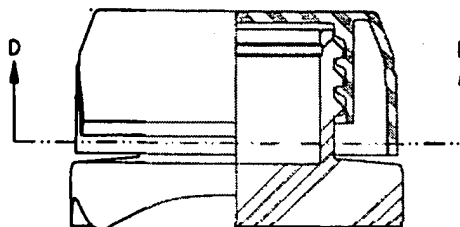
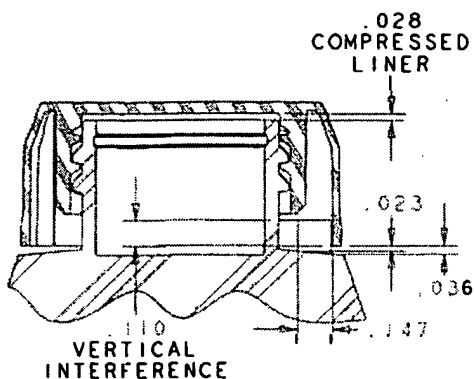
—REFERENCE PRODUCT CENTER FOR CURRENT DRAWING.

**ⓐ BAYER
50 COUNT ALEVE
OVAL**

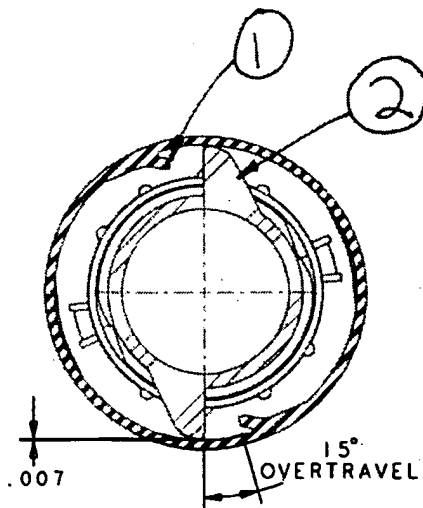
[illegible]

Released - Pending Customer Approval





FULL SIZE



SECTION D-D

"REFERENCE PRODUCT CENTER FOR CURRENT DRAWING"

DIMENSIONS ARE REPRESENTATIVE ONLY.
FINAL SIZES TO BE DETERMINED AFTER
PART IS MANUFACTURED.

[F#] = FUNCTIONAL DIMENSION

INFORMATION CONTAINED HEREIN CONSTITUTES
PROPRIETARY CONFIDENTIAL AND TRADE SECRET
INFORMATION OF OWENS-ILLINOIS, INC. AND IS
TO BE ACCEPTED SUBJECT TO THAT UNDERSTAND-
ING. IT IS TO BE KEPT CONFIDENTIAL AND NOT TO
BE COPIED, USED OR CONVEYED TO OTHERS WITH-
OUT OWENS-ILLINOIS' WRITTEN AUTHORIZATION.

MATERIAL TOLERANCES UNLESS SPECIFIED
DEC. & .007 DEGREES ±1°

GRAN WEIGHT [C] 0

Mold No. PROD.
SAMPLE C-3381

SCALE 2:1 & NOTED DRAWN P. ROBINSON
DATE CHECKED

OWENS-ILLINOIS
Plastics Group
Closure & Specialty Products

LINE "C" IS DOWN FROM INSIDE TOP.

"T" of "C" ±
"E" of "C" ±

TITLE CUSTOMER DRAWING
24mm SQUEEZE AND TURN
CLOSURE AND BOTTLE

FOR STOCK/BAYER

DRAWING NUMBER
SD-9-02156

REVISION